



1631

PATENT
Attorney Docket No.: IPT-012.01
(23298-1201)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Darst et al.

Serial No.: 09/802,755

Filed: March 09, 2001

Title: *A Crystal of Bacterial Core RNA Polymerase
With Rifampicin and Methods of Use Thereof*

Group Art Unit: 1631

Examiner: Galitsky, N.

#12
Plunkett
10/7/02

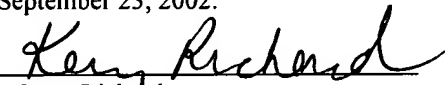
RECEIVED

OCT 03 2002

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on September 23, 2002.


Kerry Richard

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BASED ON
INTERNATIONAL SEARCH REPORT IN A COUNTERPART PCT APPLICATION

Sir:

In compliance with the requirements of 37 C.F.R. 1.56, submitted herewith on Form PTO-1449 is a list of publications identified in an International Search Report in a related PCT application. A copy of each publication is being submitted herewith except that of references listed in the Form 1449 as: **EH-EK**, which were previously submitted to the Office in the Information Disclosure Statement filed on **April 10, 2002**. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form 1449.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the cited documents as prior art against any claim in the


USSN 09/802,755

application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of said document. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the cited references be applied against the claims of the present application.

Applicants have listed dates of publication on the attached PTO-1449 for the cited documents based on information presently available to the undersigned. However, the listed publication dates should not be construed as the date on which the cited documents were actually published or otherwise publicly available.

This Information Disclosure Statement is being filed within three months of the mailing date of the International Search Report; therefore, no fee is believed to be due in connection with the filing of this disclosure. However, the Commissioner is authorized to charge any deficiencies or credit any overpayment to our Deposit Account, **No. 06-1448 reference IPT-012.01.**

Respectfully submitted,
FOLEY HOAG LLP

By: 
Isabelle M. Clauss, Ph. D.
Attorney for Applicants
Reg. No. 47,326

September 23, 2002
Customer No.: 25181
Patent Group
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210
Voice: (617) 832-1000
Facsimile: (617) 832-7000